ARTICLE 5 DIVISION OF LAND

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DIVISION 1 GENERAL PROVISIONS

Section 5-101 Types of Land Division. Division of land into two or more parcels is classified by the County as either a subdivision or a subdivision exemption.

Section 5-102 Plat or Exemption Plat Approval Required. The division of land into two or more parcels requires plat approval or approval of an exemption plat by the Board of County Commissioners.

Section 5-103 Sales Prohibited Prior to Subdivision Plat Approval. No person with any interest in land located within a subdivision or a proposed subdivision shall transfer or agree to sell or offer to sell or sell any land before the plat for the subdivision has been approved by the Board of County Commissioners and filed for recording with the County Clerk and Recorder.

DIVISION 2 SUBDIVISION

Subdivisions are classified by the County as either Minor Subdivisions or Major Subdivisions.

Section 5-201 Minor Subdivision. Minor Subdivision Review is required if the subdivision falls under one of the following categories. The review process for Minor Subdivision is set forth in Section 5-401, *Minor Subdivision Review Process*.

- **A.** Types of Land Division That Are Minor Subdivision. [NOTE: following are examples of land division typically classified as minor subdivision, and appropriate for a shortened review process.]
 - **2-4 Units or Lots.** Subdivision creating 2-4 single-family dwelling units or lots.
 - **Second Single-Family Dwelling.** Subdivision creating a second single-family dwelling unit on one parcel.
 - **3. Agricultural Subdivision for Family Members.** Subdivisions of an agricultural property to serve as family member homesteads.
 - **4. Vacation of a Recorded Subdivision Plat.** Vacation of a previously recorded subdivision.

Section 5-202 Major Subdivision. The review process for Major Subdivision is set forth in Section 5-402, *Major Subdivision Review Process*.

DIVISION 3 SUBDIVISION EXEMPTION

Certain divisions of land are exempt from the subdivision regulations if the division is not defined as a subdivision by 30-28-101, C.R.S., or if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, Section 30-28-133, C.R.S., et seq., or the subdivision regulations of this Land Use Code. An application requesting subdivision exemption is subject to the approval process in Section 5-501, Request for Subdivision Exemption and Exemption Plat Approval. Although exempt from the subdivision regulations, uses of land on parcels of land created through subdivision exemption are subject to other County regulations. All subdivision exemptions shall meet the basic exemption criteria in Article 7, Section 7-501.

Section 5-301 Types of Subdivision Exemptions. The Board of County Commissioners has established the following types of subdivision exemptions.

- **A. Statutory Exemptions.** The divisions of interests in land to which the term "subdivision" and "subdivided land" does not apply pursuant to Section 30-28-101 (10) (b) (c) and (d), C.R.S. are statutory exemptions. Easements and rights-of-way shall not be considered interests for the purposes of this Section 5-301.
 - **1.** Large-lot land divisions.
 - a. All tracts of land thirty-five (35) acres or greater in size created after January 1, 1973 and which are not part of a recorded subdivision are considered to be parcels created by exemption, pursuant to 30-28-101(10)(b), C.R.S.
 - **b.** Any division of land which creates parcels of land comprising thirty-five or more acres of land and none of which is intended for use by multiple owners.
 - 2. Any division of land created by the court pursuant to the procedure set forth in Section 30-28-101 (10)(d), C.R.S. if the Board of County Commissioners has been given the notice and opportunity to join

- as a party of interest in the proceeding for the purpose of raising the issue of an intent to evade the statutory requirements for subdivision of land.
- **3.** Any division of land which is created by a lien, mortgage, deed of trust, or any other security instrument.
- **4.** Any division of land which is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity.
- **5.** Any division of land which creates cemetery lots.
- 6. Any division of land which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.
- 7. Any division of land which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common. Any such interest shall be deemed as only one interest for purposes of satisfying the requirements of this Section 5-301.
- **8.** Any combination of contiguous parcels of land into one larger parcel which meets the following conditions.
 - **a.** If the resulting parcel is less than thirty-five acres in land area, only one interest in the land is allowed.
 - **b.** If the resulting parcel is thirty-five (35) acres or greater in land area, the land area divided by the number of interests in the resulting parcel equals thirty-five (35) or more acres per interest.
 - c. Consolidation of contiguous parcels or lot mergers initiated by the County shall comply with the statutory requirements of 30-28-139, C.R.S.
- **B.** Boundary or Lot Line Revision or Correction. Revisions to boundary lines or lot lines under the following conditions are subdivision exemptions. Refer to Article 7, Section 7-502 for the approval criteria for boundary or lot line revisions or corrections.

- 1. A revision of boundary lines or lot lines which does not increase the number of parcels previously recorded or approved.
- 2. A revision of boundary lines or lot lines for the purpose of correcting an engineering or survey error in a recorded plat.
- **C.** Condominium and Townhouse Plats. Divisions of land for condominium maps and townhouse plats are subdivision exemptions. Refer to Article 7, Section 7-503 for approval criteria for condominium and townhouse plats.
- **D.** Correction Plats. Corrections of technical errors in approved and recorded final plats are subdivision exemptions. Technical errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items which do not constitute substantial modification of the approved plat. Refer to Article 7, Section 7-504 for approval criteria for correction plats.
- **Section 5-302 Cluster Development.** Cluster development approved as a Rural Land Use Cluster Development or a Conservation Subdivision is a subdivision exemption. The review process for exempt cluster development is set forth in Section 5-601.
- **A.** Cluster Well Exemption. The Rural Land Use Cluster Development is authorized by 30-28-101(10)(c)(X), C.R.S. and 30-28-401 C.R.S. *et seq.* A development approved pursuant to the statutory rural land use process is eligible for the cluster well exemption set forth in 30-28-404 C.R.S.

DIVISION 4 SUBDIVISION REVIEW PROCESS

Section 5-401 Minor Subdivision Review Process. The Minor Subdivision Review Process is a shortened plat review process for divisions of land identified as minor subdivision in Section 5-201 A, *Minor Subdivision*.

- **A. Outline of Process.** The Minor Subdivision Review Process shall consist of the following procedures:
 - **1.** Pre-Application Conference
 - **2.** Sketch Plan Review (optional)
 - 3. Application
 - **4.** Determination of Completeness
 - **5.** Evaluation by the [Administrator/Director], Staff Review
 - **6.** Public Hearing by Board and Final Plat Approval

- 1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with the provisions of Article 4, Section 4-103 A, *Pre-Application Conference*.
- **2. Application.** The application materials required for a land use change subject to Minor Subdivision Review are set forth in Section 5-701 D.
- 3. **Determination of Completeness.** The [<u>Administrator/Director</u>] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, <u>Determination of Completeness</u>.
- **4. Schedule Public Hearing.** Upon a determination of completeness, [*Administrator/Director*] shall schedule the application for consideration by the Board of County Commissioners.
 - **a.** Public hearing by the Board shall be held within [forty-five (45)] calendar days of the date of determination of completeness.
 - **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
- 5. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the applicable standards set forth in Article 7, Standards, and conditions for plat approval set forth in Article 7, Section 7-905, Review Criteria for Final Plat Approval for Minor Subdivision.
 - **a. Staff Report.** A staff report shall be prepared pursuant to Article 4, Section 4-103 E.
 - b. Review by Referral Agencies. The [Administrator/Director's] evaluation of the application shall include comment by referral agencies received under Article 4, Section 4-103 D, Review by Referral Agency.
- **6.** Review and Action by Board of County Commissioners. An application for Minor Subdivision shall be considered by the Board

of County Commissioners at a public hearing, after proper notice, conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*.

- a. Decision by Board. The Board shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, and conditions for plat approval set forth in Article 7, Section 7-905, Review Criteria for Final Plat Approval for Minor Subdivision.
 - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
 - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
 - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- b. Submittal of Final Plat for Signature by Board. The approved Final Plat shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.
- **C. Recordation.** The Final Plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.
 - Completion of Conditions of Approval. The applicant must complete all conditions of final plat approval prior to recording the plat and associated documents.
 - 2. Approval of Improvements Agreement. The final plat shall not be filed for recording until the Board has approved an Improvements Agreement.

- **3. Effective Upon Recording.** The plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
- 4. **Public Sale of Lots.** A subdivision becomes complete and eligible for public sale of lots and development only after the plat and associated documents are recorded.

Section 5-402 Major Subdivision Review Process.

- **A. Outline of Process.** The Major Subdivision Review process shall consist of the following procedures, which must be completed in the order stated.
 - **1.** Pre-Application Conference
 - **2.** Sketch Plan Review (optional)
 - Preliminary Plan Review –
 Public Hearing and Recommendation by Planning Commission;
 Public Hearing and Decision by Board
 - Final Plat Review
 - Option I: Approval of Final Plat by Board (Based Upon Preliminary Plan Approvals), no Public Hearing Required

OR

Option 2: Public Hearing and Decision by Board

B. Review Process.

- 1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with the provisions of Article 4, Section 4-103 A, *Pre-Application Conference*.
- **2. Sketch Plan Review (optional).** The process for Sketch Plan Review is set forth in Section 5-403, *Sketch Plan Review*.
- **3. Preliminary Plan Review**. The process for Preliminary Plan Review is set forth in Section 5-404, *Preliminary Plan Review*.
- **4. Final Plat Review.** The process for Final Plat Review is set forth in Section 5-405, *Final Plat Review*.

Section 5-403 Sketch Plan Review. The Sketch Plan Review process is an optional plan review process intended to review at a conceptual level the feasibility and design characteristics of the proposed division of land.

- **A. Outline of Process.** The Sketch Plan Review process shall consist of the following procedures:
 - **1.** Application
 - 2. Determination of Completeness
 - **3.** Evaluation by [*Administrator/Director*], Staff Review
 - 4. Review by Planning Commission
- B. Review Process.
 - **1. Application.** The application materials required for Sketch Plan Review are set forth in Section 5-701 G.
 - 2. Determination of Completeness. The [<u>Administrator/Director</u>] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, <u>Determination of Completeness</u>.
 - **3. Schedule Conceptual Review by Planning Commission.** Upon a determination of completeness, the [*Administrator/Director*] shall schedule the application for review by the Planning Commission.
 - a. The Planning Commission shall review the application at a public meeting within sixty (60) calendar days of the date of determination of completeness.
 - **4.** Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the Administrator/Director shall review the application for compliance with the applicable standards at a conceptual level and prepare a staff report pursuant to Article 4, Section 4-103 E.
 - 5. Conceptual Review by Commission. The Planning Commission shall conduct a conceptual review of the proposal's feasibility and design characteristics based upon compliance with applicable standards.
 - a. Written Notice of Conceptual Review Comments. The [Administrator/Director] shall provide the applicant with written notice of the Planning Commission's conceptual review comments and recommendations within five (5) calendar days of the date of the Commission's meeting.

b. Recommendations are Preliminary. The Commission's comments and recommendations are preliminary, based on conceptual review, and not binding upon formal review of the application.

Section 5-404 Preliminary Plan Review. The preliminary plan review process will consider the feasibility and design characteristics of the proposed land division based on the applicable standards set forth in Article 7, *Standards*. The preliminary plan process will also evaluate preliminary engineering design. The [*Administrator/Director*] may allow the preliminary plan and the final plat process to be combined if the proposed subdivision has seven (7) parcels or less and development of the lots does not require extensive engineering.

- **A. Outline of Process.** The Preliminary Plan Review process shall consist of the following procedures:
 - **1.** Application
 - **2.** Determination of Completeness
 - **3.** Evaluation by [*Administrator/Director*], Staff Review
 - **4.** Public Hearing and Recommendation by Planning Commission
 - **5.** Public Hearing and Decision by Board of County Commissioners

- **1. Application.** The application materials required for Preliminary Plan review are set forth in Section 5-701 E.
- 2. Determination of Completeness. The [<u>Administrator/Director</u>] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, <u>Determination of Completeness</u>.
- 3. Schedule Public Hearing by Planning Commission. Upon a determination of completeness, the [Administrator/Director] shall schedule the application for review by the Planning Commission.
 - a. Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.

- **4. Evaluation by** [*Administrator/Director*], **Staff Review.** Upon determination of completeness, the [*Administrator/Director*] shall review the application for compliance with the applicable standards set forth in Article 7, *Standards*.
 - **a. Staff Report.** The [<u>Administrator/Director</u>] shall prepare a staff report pursuant to Article 4, Section 4-103 E.
 - b. Review by Referral Agencies. The [Administrator/Director's] evaluation of the application shall include comment by referral agencies received under Article 4, Section 4-103 D, Review by Referral Agency.
- **5.** Review and Recommendation by the Planning Commission. A preliminary plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*.
 - a. Recommendation by Planning Commission. The Planning Commission shall recommend approval, approval with conditions or denial of the application based upon compliance with the applicable standards set forth in Article 7, Standards.
 - (1) Recommendation of Approval. If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved.
 - (2) Recommendation of Denial. If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied; or
 - (3) Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
- 6. Schedule Public Hearing by Board of County Commissioners. The [Administrator/Director] shall schedule the application for consideration by the Board of County Commissioners.

- a. Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of the Planning Commission's recommendation.
- **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
- 7. Review and Action by the Board of County Commissioners. The final decision to approve, approve with conditions or deny a preliminary plan shall be made by the Board of County Commissioners at a public hearing.
 - a. **Decision by Board.** Following the public hearing conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7, *Standards*.
 - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
 - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
 - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

INOTE:

[Option 1: Subdivision approval process requires public hearings by Planning Commission and Board of County Commissioners for Preliminary Plan approval; Final Plat Approval does not require public hearing:

Section 5-405 Final Plat Review. Unless otherwise provided by these Regulations, the applicant must receive preliminary plan approval before beginning the final plat process.

A. Outline of Process. The Final Plat Review process shall consist of the following procedures:

- **1.** Application
- **2.** Determination of Completeness
- **3.** Evaluation by [Administrator/Director], Staff Review
- **4.** Review and Action by Board of County Commissioners (no public hearing required)

- **1. Application.** The application materials required for final plat review are set forth in Section 5-701 B.
- 2. **Determination of Completeness.** The [Administrator/Director] shall review the Final Plat materials for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C. Determination of Completeness.
- 3. Schedule Review by Board of County Commissioners. Upon a determination of completeness, the [Administrator/Director] shall schedule the application for review by the Board of County Commissioners. The Board of County Commissioners shall consider the final plat at a regularly scheduled public meeting to be held within forty-five (45) calendar days of the date of determination of completeness. Final Plat approval does not require a public hearing.
- 4. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the Final Plat for compliance with the conditions set forth in Article 7, Section 7-906, Review Criteria for Final Plat Approval, and prepare a staff report pursuant to Article 4, Section 4-103 E.
- 5. Review and Action by the Board of County Commissioners. A Final Plat shall be considered by the Board of County Commissioners at a regularly scheduled public meeting.
 - **a. Decision by Board.** The Board of County Commissioners shall approve the Final Plat if it satisfies the approval conditions in Article 7, Section 7-906, *Review Criteria for Final Plat Approval.*
 - (1) Approval of Application. If the Final Plat satisfies the applicable standards, the Final Plat shall be approved.

- (2) Denial of Application. If the Final Plat fails to satisfy the applicable standards, the Final Plat may be denied; or
- (3) Conditional Approval of Application. The Final Plat may be approved with conditions determined necessary for compliance with applicable standards.
- b. Submittal of Final Plat for Signature by Board. The approved Final Plat shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.
- **C. Recordation.** The Final Plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.
 - 1. Completion of Conditions of Approval. The applicant must complete all conditions of Final Plat approval prior to recording the plat and associated documents.
 - 2. Approval of Improvements Agreement. The Final Plat shall not be filed for recording until the Board has approved an Improvements Agreement.
 - **3. Effective Upon Recording.** The Final Plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
 - **4. Public Sale of Lots.** A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded.

[Option 2: Subdivision approval process requires public hearings by Planning Commission and Board of County Commissioners for Preliminary Plan approval, and a public hearing by the Board for Final Plat Approval]:

Section 5-405 Final Plat Review. Unless otherwise provided by these Regulations, the applicant must receive preliminary plan approval before beginning the final plat process.

- **A. Outline of Process.** The Final Plat Review process shall consist of the following procedures:
 - **1.** Application
 - **2.** Determination of Completeness
 - **3.** Evaluation by [Administrator/Director], Staff Review
 - 4. Public Hearing and Decision by Board of County Commissioners

- **1. Application.** The application materials required for final plat review are set forth in Section 5-701 B.
- 2. Determination of Completeness. The [<u>Administrator/Director</u>] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, <u>Determination of Completeness</u>.
- **3. Schedule Public Hearing.** Upon a determination of completeness, the [*Administrator/Director*] shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board shall be held within [<u>forty-five</u> (45)] calendar days of the date of determination of completeness.
 - **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing.*
- 4. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the Final Plat for compliance with the conditions set forth in Article 7, Section 7-906, Review Criteria for Final Plat Approval, and prepare a staff report pursuant to Article 4, Section 4-103 E.
- 5. Review and Action by the Board of County Commissioners. A Final Plat shall be considered by the Board of County Commissioners at a public hearing, after proper notice, conducted pursuant to Article 4, Section 4-103 G, Conduct of Public Hearing.

- a. **Decision by Board.** The Board of County Commissioners shall approve the Final Plat if it satisfies the approval conditions in Article 7, Section 7-906, *Review Criteria for Final Plat Approval.*
 - (1) Approval of Application. If the Final Plat satisfies the applicable standards, the Final Plat shall be approved.
 - (2) Denial of Application. If the Final Plat fails to satisfy the applicable standards, the Final Plat may be denied; or
 - (3) Conditional Approval of Application. The Final Plat may be approved with conditions determined necessary for compliance with applicable standards.
- b. Submittal of Final Plat for Signature by Board. The approved Final Plat shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.
- **C.** Recordation. The Final Plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.
 - 1. Completion of Conditions of Approval. The applicant must complete all conditions of Final Plat approval prior to recording the plat and associated documents.
 - Approval of Improvements Agreement. The Final Plat shall not be filed for recording until the Board has approved an Improvements Agreement.
 - 3. Effective Upon Recording. The Final Plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.

4. Public Sale of Lots. A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded.

DIVISION 5 EXEMPT SUBDIVISION PLAT APPROVAL PROCESS

Section 5-501 Request for Subdivision Exemption and Exemption Plat Approval. Divisions of land that may be exempt from subdivision review are identified in Section 5-301, *Types of Subdivision Exemption*. An application requesting subdivision exemption and approval of the Exemption Plat shall be subject to the following review process.

- **A. Outline of Process.** The review process for Request for Subdivision Exemption shall consist of the following procedures:
 - **1.** Pre-Application Conference
 - **2.** Application
 - **3.** Determination of Completeness
 - **4.** Evaluation by [Administrator/Director], Staff Review
 - **5.** Public Hearing and Action by Board of County Commissioners

- 1. **Pre-Application Conference.** A Pre-Application Conference shall be held in accordance with the provisions of Article 4, Section 4-103 A, *Pre-Application Conference*.
- **2. Application.** The application materials required for Request for Subdivision Exemption and Exemption Plat Approval are set forth in Section 5-701 H.
- 3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, Determination of Completeness.
- **4. Schedule Public Hearing.** The [<u>Administrator/Director</u>] shall schedule the application for consideration by the Board of County Commissioners.

- a. Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of determination of completeness.
- **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing.*
- 5. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the approval criteria set forth in Article 7, Section 7-501, Basic Subdivision Exemption Criteria and Article 7, Section 7-907, Review Criteria for Exemption Plat Approval, and prepare a staff report pursuant to Article 4, Section 4-103 E.
- 6. **Decision by Board.** Following a public hearing conducted pursuant to Article 4, Section 4-103 G, Conduct of Public Hearing, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Article 7, Section 7-501, Basic Subdivision Exemption Criteria and Article 7, Section 7-907, Review Criteria for Exemption Plat Approval.
 - **a. Approval of Application.** If the application satisfies the applicable standards, the application shall be approved.
 - **b. Denial of Application.** If the application fails to satisfy the applicable standards, the application may be denied; or
 - c. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- 7. Submittal of Exemption Plat for Signature by Board. The exemption plat for an approved subdivision exemption shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the application. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.
 - **a.** The exemption plat shall be signed by all owners of record.

8. Recordation. The exemption plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.

DIVISION 6 EXEMPT CLUSTER DEVELOPMENT

Section 5-601 Exempt Cluster Development Review Process. [There are two exempt cluster developments described in this section: Rural Land Use Cluster, which is subject to statutory requirements, and Conservation Subdivision.]

- **A.** Outline of Process. The Cluster Development review process shall consist of the following procedures:
 - **1.** Pre-Application Conference
 - **2.** Application
 - **3.** Determination of Completeness
 - **4.** Evaluation by [*Administrator/Director*], Staff Review
 - **5.** Review and Recommendation by Planning Commission (required for land division creating more than 10 lots)
 - **6.** Public Hearing and Decision by Board of County Commissioners

- 1. **Pre-Application Conference.** A Pre-Application Conference shall be held in accordance with the provisions of Article 4, Section 4-103 A, *Pre-Application Conference*.
- 2. Application.
 - a. Rural Land Use Cluster Development. The application materials required for Rural Land Use Cluster Development are set forth in Section 5-701 F.
 - b. Conservation Subdivision. The application materials required for Conservation Subdivision are set forth in Section 5-701 A.
- 3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, Determination of Completeness.

- 4. Review Cluster Development Creating 10 Lots or Less: A Cluster Development proposal creating ten (10) lots or less shall require public hearing and review by Board of County Commissioners.
 - a. Schedule Public Hearing. The [<u>Administrator/Director</u>] shall schedule the application for consideration by the Board of County Commissioners.
 - (1) Public hearing by the Board of County
 Commissioners shall be held within forty-five (45)
 calendar days of the date of determination of
 completeness.
 - (2) Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
 - b. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the applicable standards and prepare a staff report pursuant to Article 4, Section 4-103 E.
 - (1) The basic standards for Cluster Subdivision Exemption are set forth in Article 7, Section 7-601.
 - (2) The standards for a Rural Land Use Cluster Development are set forth in Article 7, Section 7-602.
 - (3) The standards for a Conservation Subdivision are set forth in Article 7, Section 7-603.
 - c. Review by Referral Agencies. The [Administrator/Director's] evaluation of the application shall include comment by referral agencies received under Article 4, Section 4-103 D, Review by Referral Agency.
 - d. **Decision by Board.** Following a public hearing, conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with applicable standards in Article 7.

- (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
- (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
- (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- 5. Review for Cluster Development Creating More than 10 lots. A Cluster Development proposal creating more than ten (10) lots shall require public hearings by the Planning Commission and the Board of County Commissioners.
 - **a. Schedule Public Hearing.** Upon a determination of completeness, the [*Administrator/Director*] shall schedule the application for review by the Planning Commission.
 - (1) Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - (2) Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing* of this Article.
 - b. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with standards and prepare a staff report pursuant to Article 4, Section 4-103 E.
 - (1) The basic standards for Cluster Subdivision Exemption are set forth in Article 7, Section 7-601.
 - (2) The standards for a Rural Land Use Cluster Development are set forth in Article 7, Section 7-602.

- (3) The standards for a Conservation Subdivision are set forth in Article 7, Section 7-603.
- c. Review by Referral Agencies. The [Administrator/Director's] evaluation of the application shall include comment by referral agencies received under Article 4, Section 4-103 D, Review by Referral Agency.
- d. Recommendation of Planning Commission. Following a public hearing conducted pursuant to Article 4, Section 4-103 G, Conduct of Public Hearing, the Planning Commission shall recommend approval, approval with conditions or denial of the application, based upon compliance with applicable standards in Article 7.
 - Recommendation of Approval. If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved.
 - (2) Recommendation of Denial. If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied; or
 - (3) Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
- e. Schedule Public Hearing. The [<u>Administrator/Director</u>] shall schedule the application for consideration by the Board of County Commissioners.
 - (1) Public hearing by the Board of County
 Commissioners shall be held within forty-five (45)
 calendar days of the date of the Planning Commission recommendation.
 - Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.

- f. **Decision by Board.** Following a public hearing, conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Article 7.
 - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
 - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
 - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- 6. Submittal of Cluster Development Plat for Signature by Board. The plat for an approved Rural Land Use Cluster Development or a Conservation Subdivision shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the application. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.
 - (1) The plat shall be signed by all owners of record.
- **7. Recordation.** The plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.
 - a. Completion of Conditions of Approval. The applicant shall complete all conditions of plat approval prior to recording the plat and associated documents.
 - b. Approval of Improvement Agreement. The plat shall not be filed for recording until the Board has approved an Improvements Agreement.

- **c. Effective Upon Recording.** The plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.
- d. Public Sale of Lots. The subdivision becomes complete and eligible for public sale of lots and development only after the plat and associated documents are recorded.

DIVISION 7 SUBDIVISION AND EXEMPT SUBDIVISION APPLICATION MATERIALS

Section 5-701 Application Materials Required for Divisions of Land.

Following are the application materials required for permits and approvals required by the Land Use Code for divisions of land. A detailed description of each submittal requirement is set forth in Section 5-702, *Description of Submittal Requirements*. The Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- **A.** Conservation Subdivision. The review process for Conservation Subdivision is set forth in Section 5-601, *Exempt Cluster Development Review Process*, and requires the following materials.
 - **1.** Application Form and Fees
 - **2.** Vicinity Map
 - 3. Cluster Development Exemption Plat
 - 4. Open Space Plan Map
 - **5.** Open Space Management Plan
 - **6.** Land Suitability Analysis
 - **7.** Impact Analysis
 - **8.** Engineering Reports and Plans
 - **a.** streets, trails, walkways and bikeways
 - **b.** mitigation of geologic hazards
 - **c.** wastewater collection, and water supply and distribution system
 - **d.** soil suitability information
 - **e.** groundwater drainage
 - f. Erosion and Sediment Control Plan
- **B. Final Plat.** The Final Plat review process is set forth in Section 5-405, *Final Plat Review* and requires the following materials.

- **1.** Application Form and Fee
- 2. Vicinity Map
- **3.** Final Plat
- 4. Final Engineering Reports and Plans
 - a. streets, trails, walkways and bikeways
 - engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
 - **c.** mitigation of geologic hazards
 - **d.** wastewater collection, and water supply and distribution system
 - **e.** soil suitability information
 - **f.** groundwater drainage
 - g. Erosion and Sediment Control Plan
 - h. final cost estimates
- **5.** Landscape Plan
- **6.** Open Space Plan
- 7. Open Space Management Plan
- **8.** Letter of Intent for service from the sanitation service provider
 - a. Contract for Service, required prior to Final Plat recordation.
- **C. Major Subdivision.** The Major Subdivision Review process is set forth in Section 5-402, *Major Subdivision Review Process* and requires the following materials.
 - **1.** Sketch Plan (optional)
 - 2. Preliminary Plan
 - **3.** Final Plat
- **D. Minor Subdivision.** The Minor Subdivision Review process is set forth in Section 5-401, *Minor Subdivision Review Process* and requires the following materials.
 - **1.** Sketch Plan (optional)
 - **2.** Final Plat
- **E. Preliminary Plan.** The Preliminary Plan Review process is set forth in Section 5-404, *Preliminary Plan Review* and requires the following materials.
 - **1.** Application Form and Fees
 - 2. Vicinity Map
 - 3. Preliminary Plan Map
 - 4. Open Space Plan, preliminary

- **5.** *Draft* Open Space Management Plan
- **6.** Conceptual Landscape Plan
- **7.** Impact Analysis
- **8.** Land Suitability Analysis
- **9.** Preliminary Engineering Reports and Plans
 - **a.** streets, trails, walkways and bikeways
 - engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
 - **c.** identification and mitigation of geologic hazards
 - **d.** wastewater collection, and water supply and distribution system
 - **e.** soil suitability information
 - **f.** groundwater drainage
 - g. Erosion and Sediment Control Plan
 - **h.** Water Supply Plan
 - i. Wastewater Plan
- **10.** *Draft* Improvements Agreement, Covenants and Restrictions and By-laws
- **F.** Rural Land Use Cluster Development. The review process for Rural Land Use Cluster Development is set forth in Section 5-601, *Exempt Cluster Development Review Process* and requires the following materials.
 - **1.** Application Form and Fees
 - 2. Vicinity Map
 - 3. Cluster Development Exemption Plat
 - 4. Open Space Plan Map
 - **5.** Open Space Management Plan
 - **6.** Land Suitability Analysis
 - **7.** Impact Analysis
 - 8. Engineering Reports and Plans
 - **a.** streets, trails, walkways and bikeways
 - **b.** mitigation of geologic hazards
 - **c.** wastewater collection, and water supply and distribution system
 - **d.** soil suitability information
 - e. groundwater drainage
 - f. Erosion and Sediment Control Plan
- **G. Sketch Plan.** The Sketch Plan review process is set forth in Section 5-403, *Sketch Plan Review* and requires the following materials.

- **1.** Application Form and Fees
- 2. Vicinity Map
- 3. Sketch Plan
- **4.** Land Suitability Analysis
- H. Subdivision Exemption and Exemption Plat Approval. The review process for requests for exemption from subdivision review, for proposals other than exempt cluster subdivision, is set forth in Section 5-501, Request for Subdivision Exemption and Exemption Plat Approval and requires the following materials.
 - **1.** Application Form and Fees
 - 2. Vicinity Map
 - **3.** Exemption Plat
 - **4.** Written Narrative explaining reason for request for exemption from subdivision

Section 5-702 Description of Submittal Requirements. This section describes the materials that are required to be submitted.

- **A. Professional Qualifications.** The professional qualifications for preparation and certification of certain documents required by these Regulations are set forth in Article 4, Section 4-602 A, *Professional Qualifications*.
- **B.** Basic Application Materials. The basic materials required for all applications for land use change permit are set forth in Article 4, Section 4-602 B, Basic Application Materials.
- C. Maps and Plans.
 - 1. Basic Requirements for Maps and Plans. The basic requirements for any map or plan submitted pursuant to the application and review procedures of these Regulations are set forth in Article 4, Section 4-602 C1.
 - **Vicinity Map.** The requirements for a Vicinity Map are set forth in Article 4, Section 4-602 C2.
 - 3. Sketch Plan Map. The applicant shall submit a copy of the sketch plan map at the reduced size of 8 inches x 14 inches, legible and suitable for non-technical review of the proposal. The sketch plan map shall include the following information and supplemental materials. The [Administrator/Director] may require, or the

applicant may wish to submit, a more detailed version of all or part of the sketch plan map.

- **a.** Legal description of the property.
- **b.** Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
- c. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.
- d. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
- **e.** Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
- **f.** Exiting and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.
- g. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- **h.** Schematic and narrative representation of the proposed land use including:
 - (1) Existing and proposed zoning of land to be subdivided.
 - (2) Total proposed subdivision area in acres and a percentage breakdown of areas devoted to specific land uses, with acreage and square footage, (e.g.

percentage and area of residential development and/or nonresidential development; percentage and area of open space; percentage and area of parking and driveways, and so forth).

- (3) Approximate lot sizes.
- (4) Total number, size, general location and type of proposed dwelling units.
- (5) Location, size and use of major improvements.
- (6) Total number of square feet of proposed nonresidential floor space.
- (7) Off-street parking areas and anticipated number of spaces.
- (8) Recreation areas and open space.
- (9) School sites.
- (10) Approximate location of wastewater treatment system, including location and size of leach field, service lines, and treatment facilities to serve the proposed use.
- (11) Source and capacity of the water supply, including approximate location and size of well(s) and/or water lines to serve the proposed use.
- (12) Utilities and service facilities.
- (13) Landscaping.
- i. Additional information that may be reasonably requested by the [<u>Administrator/Director</u>] to enable an adequate conceptual evaluation of the proposal.
- **4. Preliminary Plan Map**. The Preliminary Plan Map shall include the following information and supplemental materials.

Section 5-702 Description of Submittal Requirements: Maps and Plans Preliminary Plan Map

a. The Preliminary Plan Map shall be scaled as follows. To the extent practicable, the Preliminary Plan Map shall show the entire area proposed for subdivision on one 24" x 36" sheet.

Subdivision Lot Area	<u>Scale</u>
Less than 10,000 sq. ft. 10,001 sq. ft. – 2 acres	1 inch equals 50 feet or less 1 inch equals 100 feet or less
More than 2 acres	1 inch equals 200 feet or less

- **b.** Legal description of the property.
- **c.** Site data in chart form presenting:
 - (1) Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space.
 - (2) Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and non-public uses).
 - (3) Total number of proposed off-street parking spaces.
 - (4) Total number of dwelling units; total number of dwelling units per structure proposed.
 - **(5)** Total gross density proposed.
- **d.** Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
- **e.** Topography at the following minimum contour intervals.
 - (1) Subdivision with one or more lots less than two (2) acres in size, topography shown at two foot contour intervals.

- (2) Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
- (3) Areas having slopes 30% or more, or other significant topographic conditions, topography shown at 5-foot contour intervals.
- f. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
- g. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
- h. Public access to site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown.
- i. The location of and preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
- j. Uses and grantees of all existing and proposed easements and rights-of-way on and adjacent to the property, shown by location and dimension.
- **k.** The location, use and gross square footage of proposed structures within the subdivision.

- (1) Anticipated number of employees for proposed commercial or industrial uses.
- Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff.
- m. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.
- **n.** Areas for landscaping, and delineation of the type and extent of vegetative cover on the site.
- **o.** Zoning districts on the site and any zoning changes to be requested.
- **p.** Existing land uses and zoning on adjoining properties.
- **q.** Public or private sources of utility services and facilities.
- **r.** Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to County.
- **s.** Supplemental Information: The Preliminary Plan Map shall be accompanied by the following information.
 - (1) A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
 - (2) A corporate property owner or corporate applicant shall provide evidence of registration or incorporation in the State of Colorado.

- (3) A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. This distance provision may be expanded up to two thousand five hundred (2500) feet in the case of large subdivisions and other special circumstances that so warrant, based upon the [Administrator/Director's] determination.
- (4) A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
- **(5)** Description of proposed phasing plan, if applicable.
- **5. Final Plat.** The Final Plat shall contain the following information, in a format prescribed by the County. The Final Plat shall be prepared in a clear and legible manner on reproducible film stock measuring 24" x 36" with clear margins of two (2) inches on the left hand side and one-half inch on the remaining sides.
 - **a.** Final Plat shall be scaled at 1 inch to 200 feet.
 - **b.** The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners,
 - **c.** The name, address and seal of the certifying registered land surveyor and the other individuals preparing the Final Plat.
 - **d.** Legal description of the property.
 - **e.** The township, range, section and quarter section(s).
 - f. Location and full description of all monuments as required by this Code and by Title 38, Article 51, C.R.S.
 - (1) Permanent monuments shall be set on the external boundary of the subdivision pursuant to Section 38-51-101, C.R.S.

- (2) Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.
- (3) Information adequate to locate all monuments shall be noted on the plat.
- **g.** Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range.
- h. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field.
- i. Lot location and layout.
 - (1) All lots and blocks shall be numbered consecutively.
 - (2) The dimensions of all lots and the acreage of each lot shown to two decimal places.
 - (a) No ditto marks shall be used for dimensions.
 - (b) All unidentified angles will be presumed to equal 90 degrees.
- j. Location and width of existing and proposed roadways, road rights-of-way and parking areas within the site.
 - (1) All street and road names shall be shown.
 - (2) If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing roads shall be accurately shown.
- k. Names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivisions, and any municipal limits within two hundred (200) feet of the boundaries of the plat.

- Area of the site, area of individual parcels, and areas of all development including developed driveways, parking and buildings.
- **m.** The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- n. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting. A plat note may be necessary to provide complete information regarding the purpose of the easement.
- o. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.
- p. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rightsof-way, public sites and other such features. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.
- **q.** The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear.
- r. Identification of lots with slope in excess of thirty (30) percent and any other lots where special studies are required prior to obtaining a development permit.
- **s.** Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.
- t. Design and layout of all water and wastewater service lines, treatment facilities and other elements of the wastewater

- system, including the location of soil percolation tests as applicable.
- u. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, rightof-way, alley and so forth, and all areas of such lands shall be shown on the plat to the nearest one hundredth of an acre.
- v. All plat notes required by the County under Preliminary Plan approval or as a condition of Final Plat Approval.
- w. Supplemental information.
 - (1) A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s). The certificate shall be submitted within seven calendar days of the application submittal date.
 - (a) The certificate or certification shall also list all mortgages, liens, judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.
 - **(b)** All other exceptions from title shall be delineated.
 - (2) The Final Plat shall include executed certificates, notices, and statements in the standard format provided by the County, including the following certifications.

- (a) Certificate for acceptance by Board of County Commissioners.
- **(b)** Certification by County Surveyor and Surveyor.
- **(c)** Owners and Mortgagee certification.
- (d) Certificate for County Clerk and Recorder.
- **Exemption Plat.** The exemption plat shall include the following information and supplemental materials. The [<u>Administrator/Director</u>] may require, or the applicant may wish to submit, a more detailed version of all or part of the exemption plat.
 - a. Current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed exemption and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision exemption.
 - **b.** Names and addresses of mineral estate owners of record of the property proposed for exemption from subdivision.
 - c. Evidence of registration or incorporation in the State of Colorado for corporate property owners or corporate applicant.
 - **d.** Legal description of the property.
 - **e.** Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
 - f. Adjacent subdivided, unsubdivided and public lands, and the names and addresses of property owner(s) and mineral estate owners of record within 200' of the proposed subdivision exemption.
 - **g.** Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by

location and dimension.

- **h.** Location and dimension of easements for protected significant on-site features.
- Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.
- **j.** Location and dimension of roadways, driveways, sidewalks, paths and trails, and parking areas.
- **k.** Location and dimensions of open space parcels and preserved areas.
- **I.** Location of utilities.
- m. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
- n. Description of wastewater treatment and disposal system, and proof that the system is adequate to serve each of the lots that will be created and meets the standards for wastewater treatment and disposal systems set forth in Article 7, Standards.
- o. Description of physical water supply and distribution system, and proof that the physical water supply is adequate to serve each of the lots that will be created and meets the standards for water supply and distribution system set forth in Article 7, Standards.
- Proof of adequate fire protection for each of the lots that will be created, meeting the requirements of the applicable fire protection district.
- **q.** Supplemental Information.

- (1) A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s). The certificate shall be submitted within seven calendar days of the application submittal date.
 - (a) The certificate or certification shall also list all mortgages, liens, judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.
 - **(b)** All other exceptions from title shall be delineated.
- (2) The plat shall contain executed certificates, notices, and statements on a single sheet in a standard form.
- 7. Cluster Development Exemption Plat. The Cluster Development Exemption Plat for a Rural Land Use Cluster Development or a Conservation Subdivision shall include the following information and supplemental materials.
 - **a.** Legal description of the property.
 - **b.** Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
 - c. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including

slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.

- **d.** Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- **e.** Location and dimension of easements for protected significant on-site features.
- f. Location and layout of subdivision lots, buildable lots, and building envelopes, and the dimensions and acreage of each lot.
- **g.** Location and dimension of roadways, driveways, sidewalks, paths and trails, and parking areas within the subdivision.
- h. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to the County or preserved through conservation easement.
- i. Location of all water and wastewater service lines, treatment facilities and other elements of the wastewater system, including the location of soil percolation tests.
- **i.** Location of utilities.
- **k.** Supplemental Materials.
 - (1) A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s). The certificate shall be submitted within seven calendar days of the application submittal date.
 - (a) The certificate or certification shall also list all mortgages, liens, judgments, easements,

contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for exempt cluster development before the plat is accepted for review.

- **(b)** All other exceptions from title shall be delineated.
- (2) The plat shall contain executed certificates, notices, and statements on a single sheet in a standard form.
- **8. Open Space Plan Map.** The Open Space Plan maps shall be scaled at 1 inch equals 200 feet, and shall include the following elements.
 - **a.** Residential lot layout, roadways and site access.
 - **b.** Delineation of open space areas.
 - **c.** Trails and structures located within the open space areas.
 - **d.** Existing and planned open space on adjacent property.
- **9. Open Space Management Plan**. The Open Space Management Plan shall include the following elements.
 - a. Ownership and responsibility for management of the open space. Ownership shall be deeded to the final controlling entity.
 - **b.** Details for maintenance of the open space, including noxious weed control.
 - **c.** Responsibility for the cost of maintenance of the open space.
 - **d.** Uses allowed within the open space.

- e. Stipulations preserving the designated open space and maintenance of the open space in the event of future amendments to the approved land use.
- **10.** Landscape Plan. The requirements for a Landscape Plan are set forth in Article 4, Section 4-602 C4.
- **11. Erosion and Sediment Control Plan.** The requirements for an Erosion and Sediment Control Plan are set forth in Article 4, Section 4-602 C5.
- **12. Water Supply Plan.** The Water Supply Plan shall include the following elements, in graphic or written form.
 - **a.** Evidence that an adequate water supply sufficient in terms of quality, quantity and dependability shall be available to the proposed land use.
 - (1) Evidence of ownership or right of acquisition or use of existing and proposed water rights.
 - (2) Historic use and estimated yield of claimed water rights.
 - (3) Amenability of existing water right to change in use.
 - (4) Evidence that the public or private water owners can and will supply water to the proposed land use, including the amount of water available for use by the providers, the feasibility of extending service to the area, proof of the legal dependability of the proposed water supply, and representation that all the necessary water rights have been obtained or will be obtained.
 - (5) Total gross density proposed and number of dwelling units as a ratio to the total development area.
 - b. If a central supply and distribution system is to be provided, a general description of the system, as designed by a qualified licensed professional engineer. The description shall include the following information.

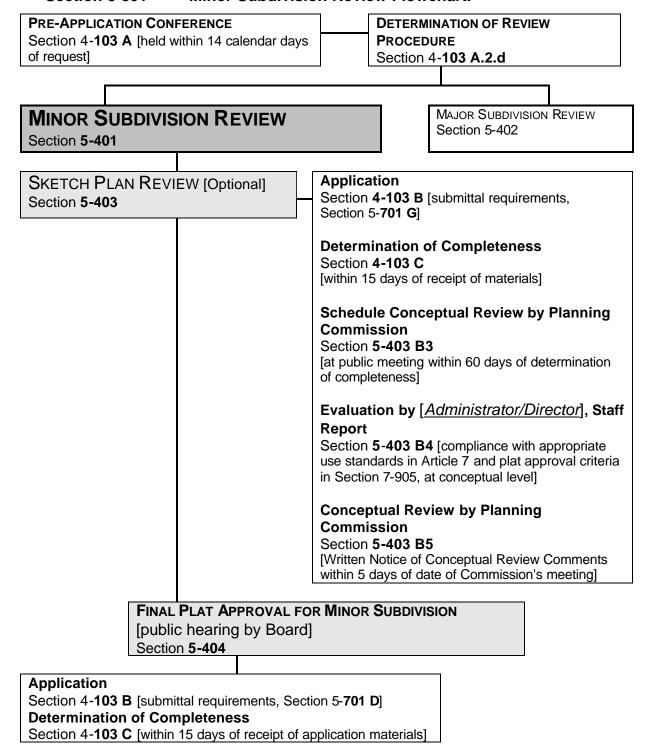
- (1) The legal entity that will own and operate the water system.
- (2) The proposed method of financing the water system.
- c. If connection is to be made to an existing public water system, a letter of commitment for service from an authorized representative of the entity that owns and operates the system.
 - (1) The letter shall include evidence that the existing water system possesses an adequate legal water supply to serve the proposed land use.
- d. If an individual water system is proposed, a report indicating the availability of potable groundwater at reasonable depths throughout the proposed development and the expected quality and long-term yield of the proposed wells. The report shall be prepared by a qualified licensed professional engineer.
- **e.** If applicable, a Plan of Augmentation and a plan for subdivision water supplies, with supporting documentation prepared by a qualified licensed professional engineer.
- **13. Wastewater Plan.** The Wastewater Plan shall include the following elements, in graphic or written form.
 - a. A general description of the proposed collection system and treatment facilities, designed by a qualified licensed professional engineer. The following information shall be included.
 - (1) A copy of the completed Colorado Department of Health Waste Water Treatment Plant Site Location Approval Application.
 - (2) Description of the legal entity that will own and operate the collection and treatment facilities.
 - (3) Description of the proposed method of financing the collection and treatment facilities.

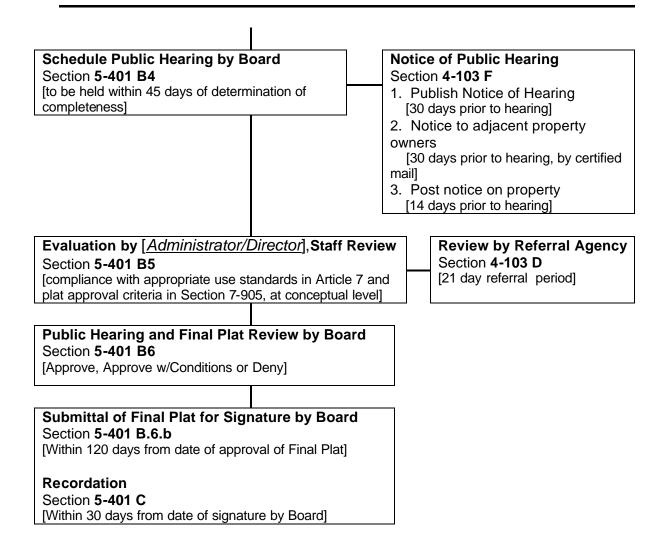
- b. If the proposed land use is to be served by an existing public collection system and treatment facilities, evidence that provision has been made for adequate service to the proposed land use, in compliance with state and local regulations.
 - (1) Evidence that the existing collection system and treatment facilities can and will provide adequate service for the proposed land use.
 - (2) A letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the facility and system is adequate to serve the proposed land use.
 - (3) Description of the legal entity that owns and operates the collection and treatment facilities.
 - (4) Description of the proposed method of financing the collection and treatment facilities.
- **c.** If individual sewage disposal systems are proposed, the following information shall be provided.
 - (1) Evidence that the individual sewage disposal systems will comply with the County's Individual Sewage Disposal Requirements and requirements of the Colorado Department of Public Health, Water Quality Control Commission.
 - (2) Documentation of soil percolation tests and other studies required to determine maximum seasonal groundwater level and depth to bedrock, in compliance with requirements of the County's Individual Sewage Disposal Requirements.
 - (a) Test locations shall be indicated on the plat.
 - **(b)** Tests shall be performed by a qualified licensed professional engineer.

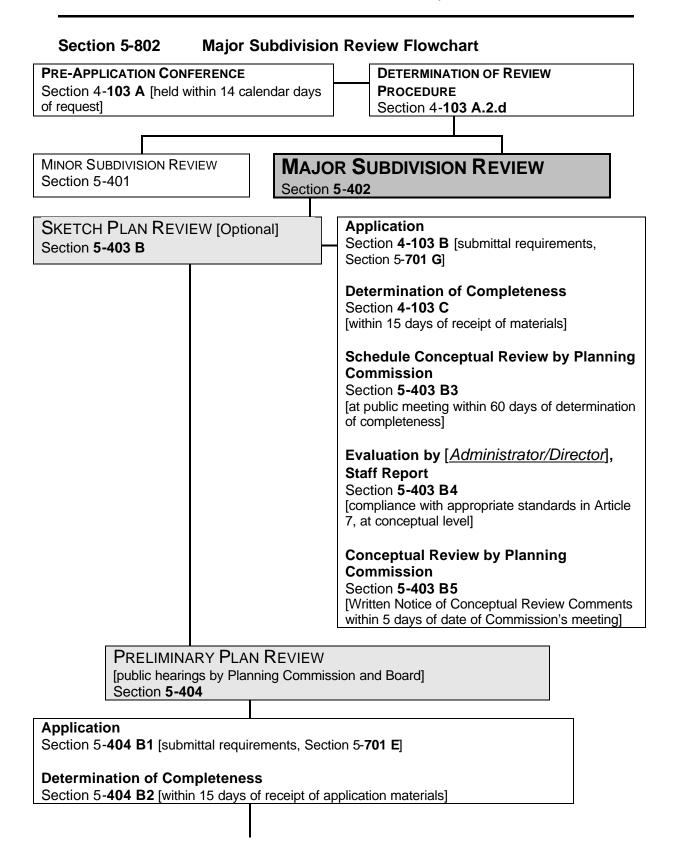
- (3) A proposed management plan for operation and maintenance of on-site systems.
- **D.** Land Suitability Analysis. The requirements for a Land Suitability Analysis are set forth in Article 4, Section 4-602 D.
- **E. Impact Analysis.** The requirements for an Impact Analysis are set forth in Article 4, Section 4-602 E.
- F. Visual Analysis.
 - 1. Visual Analysis with Sketch Plan. Within the sketch plan review application, the applicant shall submit an initial investigation of potential visual impacts and mitigation techniques, containing the following materials:
 - **Map.** A map of the property that depicts the general location of ridgeline areas in relationship to development areas.
 - **b. Written Statement.** A brief written statement describing, in a general manner, where the development is proposed to be located in relation to the ridgeline areas and the design elements that will be used to mitigate visual impacts.
 - 2. Visual Analysis with Preliminary Plan. Within the preliminary plan review application, the applicant shall submit a detailed visual analysis that illustrates the existing features of the site, as viewed from the roadway corridor, and depicts the location and design of the proposed development. The visual analysis shall include:
 - a. Illustrations. Illustrations of the mass and form of the proposed development. These may be provided as a photograph of the property, onto which the development has been rendered, a computer simulation, an architectural site section or other similar visual display technique.
 - **b. Map.** A map locating proposed roads and utilities and identifying the area proposed for development.
 - **c. Plans.** Grading, landscaping and illumination plans.
 - **d. Written Statement.** A written statement depicting how the development mitigates visual impacts on affected ridgelines.

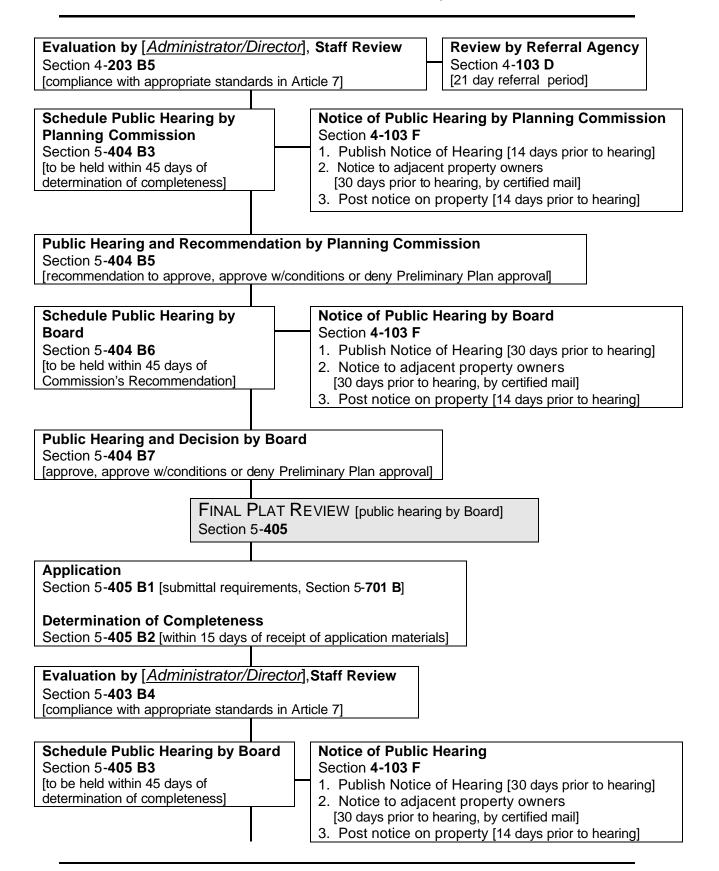
DIVISION 8 FLOWCHARTS, REVIEW PROCESS FOR DIVISIONS OF LAND

Section 5-801 Minor Subdivision Review Flowchart.









Public Hearing and Decision by Board

Section 5-404 B7

[approve, approve w/conditions or deny Final Plat approval]

Submittal of Final Plat for Signature by Board

Section 5-202 B.6.b

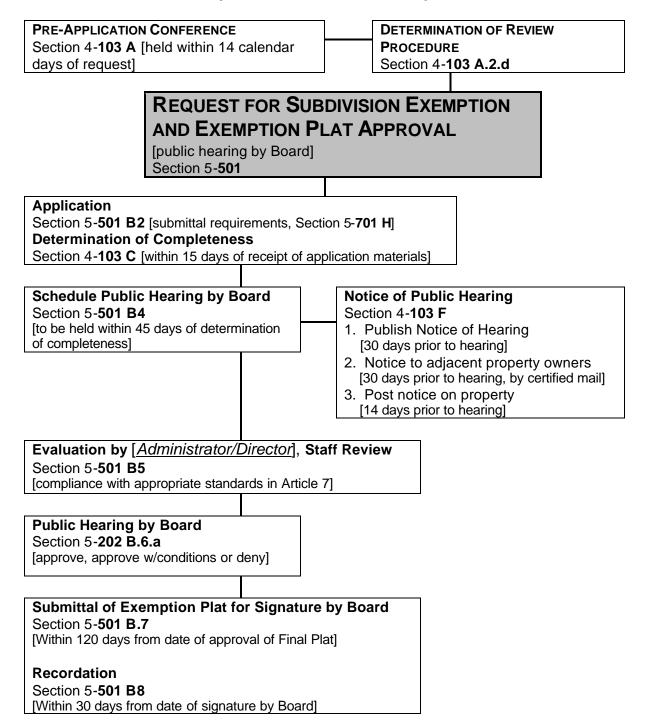
[Within 120 days from date of approval of Final Plat]

Recordation

Section 5-202 C

[Within 30 days from date of signature by Board]

Section 5-803 Request for Subdivision Exemption Review Flowchart.



Section 5-804 **Exempt Cluster Development Review Flowchart** [10 Acres or Less] PRE-APPLICATION CONFERENCE **DETERMINATION OF REVIEW** Section 4-103 A [held within 14 calendar **PROCEDURE** days of request] Section 4-103 A.2.d **EXEMPT CLUSTER DEVELOPMENT [10 ACRES OR LESS]** [public hearing by Board] Section 5-601 **Application** Section 5-601 B2 [submittal requirements, Rural Land Use, Section 5-701 F submittal requirements, Conservation Subdivision, Section 5-701 A **Determination of Completeness** Section 4-103 C [within 15 days of receipt of application materials] Schedule Public Hearing by Board **Notice of Public Hearing** Section 5-601 B4a Section 4-103 F [to be held within 45 days of determination 1. Publish Notice of Hearing of completeness] [30 days prior to hearing] 2. Notice to adjacent property owners [30 days prior to hearing, by certified mail] 3. Post notice on property [14 days prior to hearing] Evaluation by [Administrator/Director], Staff Review **Review by Referral Agency** Section 4-103 D Section 5-601 B4b [21 day referral period] [compliance with appropriate standards in Article 7] Public Hearing and Cluster Development Plat Review by Board Section 5-601 B4d [Approve, Approve w/Conditions or Deny] Submittal of Cluster Development Plat for Signature by Board Section 5-601 B6 [Within 120 days from date of approval of Final Plat] Recordation Section 5-601 B7 [Within 30 days from date of signature by Board]

Section 5-805 **Exempt Cluster Development Review Flowchart** [More than 10 Acres] PRE-APPLICATION CONFERENCE **DETERMINATION OF REVIEW** Section 4-103 A [held within 14 calendar **PROCEDURE** days of request] Section 4-103 A.2.d **EXEMPT CLUSTER DEVELOPMENT [MORE THAN 10 ACRES]** [public hearings by Planning Commission and Board] Section 5-6011 **Application** Section 5-601 B2 [submittal requirements for Rural Land Use, Section 5-701 F submittal requirements for Conservation Subdivision, Section 5-701 A **Determination of Completeness** Section 4-103 C [within 15 days of receipt of application materials] Schedule Public Hearing by Planning **Notice of Public Hearing** Commission Section 4-103 F Section 5-601 B5a 1. Publish Notice of Hearing [to be held within 45 days of determination [14 days prior to hearing] of completeness] 2. Notice to adjacent property owners [30 days prior to hearing, by certified mail] 3. Post notice on property [14 days prior to hearing] Evaluation by [Administrator/Director], Staff Review **Review by Referral Agency** Section 4-103 D Section 5-601 B5b [21 day referral period] [compliance with appropriate standards in Article 7] Public Hearing and Cluster Development Plat Review by Planning Commission Section 5-601 B5d [recommendation to approve, approve w/conditions or deny] Schedule Public Hearing by Board **Notice of Public Hearing** Section 5-501 B5e Section 4-103 F [to be held within 45 days of determination Publish Notice of Hearing of completeness] [30 days prior to hearing] 2. Notice to adjacent property owners [30 days prior to hearing, by certified mail] 3. Post notice on property [14 days prior to hearing]

Public Hearing by Board

Section 5-601 B5f

[approve, approve w/conditions or deny]

Submittal of Cluster Development Plat for Signature by Board

Section 5-601 B6

[Within 120 days from date of approval of Final Plat]

Recordation

Section 5-601 B7

[Within 30 days from date of signature by Board]